THE HON'BLE Mr. JUSTICE V.ESWARAIAH

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WRIT PETITION No.23635 of 2005

DATED:03-11-2005

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Between:

Tummala Varahalaiah, Son of Jannayakulu,

Aged about 60 years, R/o. Pulimeru Village,

Peddapuram Mandal, East Godavari District

and four others ……Petitioner

AND

The District Collector, East Godavari District,

Kakinada and three others ….Respondents

THE HON'BLE Mr. JUSTICE V.ESWARAIAH

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WRIT PETITION No. 23635 of 2005

ORDER:

The petitioners have filed the present writ petition seeking a direction, particularly in the nature of writ of Mandamus, to the respondents 1 and 2 to consider their representation dated 27.10.2005 and to declare the election of respondents 3 and 4 as President and Vice-President of Pulimeru Large Scale Cooperative Society, Pulimeru, Peddapuram Mandal, East Godavari District as invalid, and consequently,

to conduct fresh elections for the office bearers as per the provisions of the Co-operative Societies Act in force.

The case of the petitioners is that they are the members of Pulimeru Large Scale Cooperative Society, Pulimeru, Peddapuram Mandal, East Godavari District and they have been elected as members of the Managing Committee and the respondents 3 and 4 have been elected as Directors. Without there being required quorum, on 27.10.2005 the elections have been conducted to the post of President and Vice President contrary to the Rules 22 (a) (5). It is further stated that though a representation was made on the same day before the 2nd respondent, no further action has been taken. Hence, the present writ petition.

Heard the learned Counsel for the petitioners and the learned Government pleader for Co-operative Societies and perused the material on record.

Under Section 61 (3) of the A.P. Co-operative Societies Act, 1964, every dispute relating to, or in connection with, any election to a committee of a society shall be referred for decision to the Tribunal having jurisdiction over the place where the main office of the society is situated.

In view of the provisions contemplated under the Act, I am of the opinion that the present writ petition is not maintainable and it is liable to be dismissed.

Accordingly, the writ petition is dismissed. However, the petitioners are at liberty to approach the appropriate forum. No costs.

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V.ESWARAIAH, J.

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Dated:03rd November, 2005

Note: Issue C.C. by Monday

(By Order)

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THE HON'BLE Mr. JUSTICE V.ESWARAIAH

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